

10/056,173

T152

REMARKS

Claims 1-31 are currently pending in the subject application and are presently under consideration. Claims 1, 18, 26, 29, and 31 have been amended as shown at pp. 2-7 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claim 21 Under 35 U.S.C. §112

Claim 21 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Withdrawal of this rejection is respectfully requested in view of the herein amendments to the subject claim.

II. Rejection of Claims 1-16 and 18-31 Under 35 U.S.C. §102(b)

Claims 1-16 and 18-31 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Athing et al.* [US 5,987,498 A]. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. *Athing et al.* does not teach or suggest each and every limitation of applicant's claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaa Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Independent claims 1, 18, 26, 29, and 31 recite *wherein the configuration response message includes configuration information associated with a combination of at least one of the communications devices and at least one of the plurality of users*. Applicant's invention as recited in the subject claims stores and transmits configuration information that is associated with a combination of both a communications device and a user. Therefore, a user is able to have different configurations for a single device and different configurations for different

10/056,173

T152

devices. Furthermore, the configuration information can include user authentication, application enabling, presentation, computation data, communication settings and other information associated with users, devices, and applications. *Athing et al.* does not disclose or suggest these aspects of the claimed invention. Rather, *Athing et al.* describes storage and transmittal of configuration information that is based upon a user and a single e-mail application. Such configuration information of *Athing et al.* is the same for all communications devices the user may employ and only applies to presentation of a single e-mail application.

Claim 16 recites *wherein the communications device is updated with a plurality of applications and associated settings*. As discussed *supra*, *Athing et al.* does not describe storing or transmitting configuration information associated with multiple applications.

In view of at least the above, it is respectfully submitted that *Athing et al.* does not teach or suggest applicant's invention as recited in independent claims 1, 18, 26, 29, and 31 (and claims 1-16, 19-25, 27, 28, and 30 which respectively depend there from). Accordingly, withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 17 Under 35 U.S.C. §103(a)

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Athing et al.* as applied to claims 1-16 and 18-31 above, and further in view of *Aho et al.* [US 6,198,941 B1]. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Neither *Athing et al.* nor *Aho et al.* individually or in combination teach or suggest each and every limitation of applicant's claimed invention.

Claim 17 recites *wherein the communications device further comprises at least one of a Personal Digital Assistant (PDA), palm pilot, cell phone, pager, and laptop computer*. As conceded in the Office Action, *Athing et al.* fails to teach these novel aspects of the subject claim. Furthermore, *Aho et al.* fails to teach or suggest any type of user based configurability. Rather, *Aho et al.* describes monitoring indicators of a communication signal and making changes to the transport and/or application protocol layer to support a transition to a different communication arrangement if the communication signal indicators indicate that a change in communication arrangement is eminent. These changes are not based on any user specific

10/056,173

T152

configurations as in applicant's claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731